



INDIANA
WORKFORCE
DEVELOPMENT
AND ITS **WorkOne** CENTERS

FORMAL COMMUNICATION

TO: Indiana's Workforce Investment System

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**Technical Assistance Bulletin
TAB 2008-01**

Indiana's Weather-Related Disaster National Emergency Grant Program WorkOne Procedures

Background

In the last couple of months, Indiana experienced a number of catastrophic weather events that resulted in nearly one half of Indiana's 92 counties being declared disaster emergencies by Governor Mitch Daniels, and a preliminary damage estimate of \$126 million. In response to these events, the Indiana Department of Workforce Development (DWD) submitted a National Emergency Grant (NEG) request to the United States Department of Labor (USDOL). On June 19, 2008, DWD was notified by the USDOL that its NEG application had been approved, and it should commence with offering services under the NEG.

The purpose of NEG Disaster Grants is to create temporary jobs (Disaster Relief Employment) to assist in the cleanup and restoration efforts as a result of the disaster. These temporary jobs also include working on projects that provide food, clothing, shelter, and other humanitarian assistance for disaster victims. The work may be done through public and private agencies and organizations engaged in such projects.

DWD will enter into an agreement with a temporary staffing service to function as the employer of record for the program participants, and will work with local groups to coordinate job sites, number of workers needed, and job functions.

Participants in this program initially will be eligible to receive temporary employment, assisting local areas with cleanup and/or related humanitarian assistance, and supportive services, funded by the NEG.

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In addition, the NEG also allows for the provision of dislocated worker services to individuals who were dislocated from work as a result of the recent flooding disaster. Local WorkOne Centers will provide services to the potential program participants, contacting them to notify them of the program, determining eligibility, referring them to the temporary employer of record, and providing workforce investment system services.

Purpose

To provide guidance for local WorkOne offices that will be assisting Weather-Related Disaster NEG Program participants.

This Technical Assistance Bulletin will provide guidance for:

- 1) Determining Eligibility for Weather-Related Disaster NEG Program Participants
- 2) Processing Eligible Participants within the Integrated WorkOne System
- 3) Documenting Weather-Related Disaster NEG Program Delivery

Content

Determining Eligibility for Weather-Related Disaster NEG Program Participants

Individuals are eligible to participate in the Weather-Related Disaster NEG Program if they are at least 18 years old, and meet one of the prioritized criteria:

- 1st Priority** – have been temporarily dislocated as a result of the disaster;
- 2nd Priority** – are eligible dislocated workers as defined in WIA Sec. 101 (9)(B), (C), and (D) and not receiving Unemployment Insurance (UI) or other types of income support;
- 3rd Priority** – are considered *long-term unemployed*, defined for purposes of this NEG grant in Indiana as, *an individual who was seeking work for a minimum of 90 days prior to the date of the disaster and not receiving UI or other types of income support.*

Processing Eligible Participants within the Integrated WorkOne System

WorkOne offices offering the Weather-Related Disaster NEG Program will be provided with a list of individuals who have applied for Disaster Unemployment Assistance (DUA), dislocated workers whose benefits have recently expired or been exhausted, and long-term UI exhaustees.

- Staff from WorkOne offices will be asked to contact these individuals to potentially participate in the Weather-Related Disaster NEG Program.
- If a person is interested in participating, staff should invite the potential participant to visit the WorkOne office in order to register for the program.
 - Declining participation in the Weather-Related Disaster NEG Program does not change an individual's eligibility for WIA Dislocated Workers and/or Adult Programs.

Potential participants for the Weather-Related Disaster NEG Program are to be served in the same manner as any other customer of the WorkOne System.

- Each must be greeted, and if not previously enrolled in TrackOne, given an initial assessment, and eligibility determined.
- If a customer is determined eligible for Workforce Investment Act (WIA) dislocated worker programs, are a candidate for employment, and meet the above eligibility criteria, the participant should be referred to the temporary employer of record for the Weather-Related Disaster NEG Program.
 - The temporary employer of record will have a staff person available at the WorkOne Center to process the temporary hire.

Documenting Weather-Related Disaster NEG Program Delivery

Service delivery for Weather-Related Disaster NEG Program participants will be documented in a manner consistent with WIA regulations as they pertain to Dislocated Workers.

TrackOne will automatically determine eligibility for the Weather-Related Disaster NEG Program.

- Staff members will be required to indicate in the *Reason for Dislocation* section of the TrackOne application that the individual is dislocated as a result of the Weather-Related Disaster.

If a participant is referred to the temporary employer of record:

- Staff will enter a job referral service in TrackOne, and indicate in case notes whether the individual is eligible under Priority 1, Priority 2, or Priority 3. The funding stream for this service is **Flood NEG IN-06**.

NOTE: **The only regions authorized to use the Flood NEG IN-06 funding stream code are those specifically authorized to do so by the Indiana Department of Workforce Development. Regions utilizing the Flood NEG IN-06 funding stream without prior authorization will be subject to disallowed costs.**

If a participant is “hired” for temporary disaster recovery positions:

- The temporary employer of record will provide WorkOne with the list of individuals who have been “hired” and have begun work.
- After receiving notice that a participant has begun work, staff will enter a staff-assisted service, titled **Temporary Disaster Relief Employment**, into TrackOne. The funding stream for this service is **Flood NEG IN-06**.
 - For purposes of the Weather-Related Disaster NEG Program, employment in the temporary positions is considered to be a staff-assisted service.

After a participant has received the staff-assisted service (has begun work), he/she is eligible for supportive services. If a participant will receive supportive services:

- Staff will enter supportive service, titled **Flood NEG Supportive Service**, into TrackOne. The funding stream for this service is **Flood NEG IN-06**.
 - Participants in the Weather-Related Disaster NEG Program are eligible for the same supportive services allowed under the WIA Dislocated Worker program.

Action

WorkOne staff should follow this guidance when serving potential participants in the Weather-Related Disaster National Emergency Grant Program.

Questions regarding this TAB should be directed to:

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Please note that previously issued Technical Assistance Bulletins can be reviewed on the Indiana Department of Workforce Development website at <http://www.in.gov/dwd/3447.htm>.

Indiana Weather Related Disaster National Emergency Grant

Questions & Answers

Participant Eligibility Questions

EL1. Question: Who is eligible to participate in NEG services?

Answer: Individuals are eligible to participate in the NEG Disaster program if they are at least 18 years old, and meet one of the prioritized criteria:

- 1st Priority – have been temporarily dislocated as a result of the disaster;
- 2nd Priority – are eligible dislocated workers as defined in WIA sec. 101 (9)(B), (C), and (D) and not receiving UI or other types of income support;
- 3rd Priority – are considered *long-term unemployed*, defined for purposes of this NEG grant in Indiana as, *an individual that was seeking work for a minimum of 90 days prior to the date of the disaster and not receiving UI or other types of income support.*

EL2. Question: Can youth participate in NEG services?

Answer: Yes, if they are at least 18 years old and meet the eligibility requirements outlined above.

EL3. Question: Are individuals who were impacted by flooding (without the help of FEMA), eligible to participate under this grant?

Answer: Yes, if they are otherwise eligible as described above.

EL4. Question: May dislocated workers enrolled in training or other services participate in the NEG?

Answer: Yes. If a participant is (a) enrolled in a WIA program in Indiana; and (b) is a flood evacuee, the individual may continue services as appropriate.

EL5. Question: What is the minimum age person we can serve utilizing NEG funds?

Answer: Individuals must be at least 18 years of age and meet the other eligibility requirements.

EL6. Question: If males have not registered for selective service as required under WIA, are they ineligible to participate in the NEG?

Answer: No, this would not prevent an individual from receiving services. RWBs should use the same procedures to qualify a male to participate in the NEG as they would use to qualify a male to participate in WIA. For more information, please refer to DWD Policy 2007-25.

EL7. Question: Can a youth participating in subsidized employment that loses a job due to flooding become eligible for the temporary employment under the NEG?

Answer: Yes, a youth who is at least 18 years old and who is in subsidized employment and loses his/her employment due to flooding meets the eligibility definition and therefore may participate in the temporary jobs associated with the NEG.

EL8. Question: Can a participant being served with NEG funds for temporary disaster employment also be served using WIA Formula Funds?

Answer: Yes, as long as the participant is determined eligible under the appropriate WIA program, i.e. Adult, Dislocated Worker, etc. or any combination. Note: Long-term unemployed is not an eligible criterion for regular WIA Dislocated Worker funds. The individual must have been determined eligible in accordance with WIA guidelines for the appropriate funding category. The individual will also be included in the common measures.

EL9. Question: Is it possible to provide Disaster Unemployment Assistance (DUA) affected dislocated workers who are only seeking basic core services with supportive services (i.e. gas cards, bus passes) out of the NEG grant dollar allocation without having them be involved in the temporary jobs or other NEG allowable activities?

Answer: No. In order to receive supportive services out of the NEG allocation, these individuals must participate in the NEG temporary jobs program. Those individuals that are DUA-affected dislocated workers only seeking basic core services and/or supportive services can be provided these services out of WIA Dislocated Worker and/or Adult formula funds following enrollment in to both programs.

EL10. Question: What is the state definition of long-term unemployed?

Answer: For purposes of this NEG grant, long-term unemployed is defined as *an individual that was seeking work for a minimum of 90 days prior to the date of the disaster and not receiving UI or other types of income support.*

EL11. Question: What are the specific eligibility requirements for NEG? Is it the same as WIA Dislocated Worker? If not, what are the differences?

Answer: The eligibility requirements of the NEG are intentionally broad so that services can be provided to those in need. Per the agreement, individuals eligible for services under this grant include:

- Individuals temporarily or permanently dislocated from work due to the declared disaster;
- other individuals that qualify as dislocated workers under WIA 101(9) who were impacted by disaster and not receiving UI or other income support;
- the long-term unemployed who are aged 18 and older and not receiving UI or other income support.
- Migrant seasonal farm workers and other workers who would normally work in an area that have been impacted by flooding.

EL12. Question: We have some Indiana residents who have been indirectly dislocated as a result of flooding. For example, their employers were dependent upon suppliers and customers from the disaster areas. Are these individuals eligible to participate in the NEG?

Answer: The first priority for the use of these funds is for individuals directly impacted by flooding. Boards can use formula Dislocated Worker funds and Rapid Response funds to serve those who were indirectly impacted.

Migrant Farm Worker Questions

MF1. Question: Are farm workers in the affected counties eligible to participate in the Temporary Jobs program?

Answer: Yes, there are no residency requirements for the NEG.

MF2. Question: If farm workers are currently unemployed and return to the affected flooded areas and there are no jobs as a result of the flooding, are they eligible to participate in the Temporary Jobs program?

Answer: Yes.

NEG Temporary Jobs & Allowable Activities Questions

TJ1. Question: What is an NEG Temporary Job and how long can it be provided?

Answer: An NEG Temporary Job is temporary, subsidized work service in which NEG participants are placed at worksites or projects that provide food, clothing, shelter and other humanitarian assistance for flood disaster victims. The work may be done through public or private non-profit agencies and organizations engaged in such projects. An NEG participant can not be in a temporary job service for more than 1040 hours, or six months in duration, or earn more than \$12,000 from the NEG Temporary Job.

TJ2. Question: What are allowable NEG activities under this NEG?

Answer: Allowable activities are outlined in the agreement. They fall into three main categories: temporary jobs, rapid response services, and supportive services.

TJ3. Question: Can a coordinator be paid with project funds as a program cost or as a participant? Is training of temporary job participants an allowable cost to qualify the individual for the temporary job?

Answer: Yes. A Coordinator could be hired as a project staff member chargeable to program. Necessary training is an authorized.

TJ4. Question: Does a work-site supervisor have to be charged to "program" or can such a position be filled by a temporary job participant?

Answer: A temporary job participant may be assigned as a work-site supervisor. Generally, work-site supervisors will be provided by the entity that has requested the temporary employees and will be paid by that entity as part of their regular payroll.

TJ5. Question: Is there a time period (deadline) for non-profits to apply for NEG temporary jobs from the State?

Answer: No, there is no deadline for non-profits to apply for temporary jobs. The State will manage the coordination of worksites and filling requests for temporary workers.

TJ6. Question: Can Regional Workforce Boards use NEG participants to perform project staff functions such as monitoring, outreach workers, accounting, and project coordination as temporary job workers?

Answer: No

TJ7. Question: Can NEG Temporary Job workers assist with projects operated by churches to provide humanitarian assistance such as food, shelter, clothing, etc?

Answer: Yes. However, NEG temporary job workers may not build, operate, or maintain any part of any building used for religious instruction or worship.

TJ8. Question: May an individual participate in both an NEG Temporary Job employment and NEG training at the same time?

Answer: No. The purpose of this grant is to provide temporary employment to NEG participants; the only training that can be provided at this time to NEG participants,

funded by the NEG, is training required to complete the necessary functions of the temporary job. The Department anticipates expanding the grant to provide training opportunities to NEG participants upon the completion of their temporary employment. Further information will be provided as it becomes available.

TJ9. Question: Are we limited to the types of temporary jobs listed in the participant reporting instructions?

Answer: No, laborer, driver, office worker and humanitarian and social service aides are merely examples of typical job classifications. The primary purpose of an NEG is to create temporary jobs to assist with clean-up activities and humanitarian activities. Humanitarian assistance includes distribution of food, clothing, and other assistance to disaster victims. Humanitarian assistance may be provided through temporary workers assigned to community-based and faith-based organizations as well as public agencies.

TJ10. Question: Can NEG funds be used to pay relocation costs?

Answer: Relocation costs can be considered an allowable support service. However, RWBs should ensure and determine the reasonableness of the cost for this support service.

TJ11. Question: Can a staffing agency be the employer of record for NEG Temporary Jobs employment?

Answer: Yes. DWD has procured temporary staffing agencies to be the employer of record for this NEG program.

TJ12. Question: Are the NEG Temporary Job positions only for humanitarian positions or can they be with municipalities?

Answer: NEG Temporary Job opportunities can be through public or private non-profit agencies and organizations. Municipalities fall within these categories.

TJ13. Question: Are the agencies and organizations that provide NEG Temporary Jobs required to have workers' compensation?

Answer: The employer of record must have workers' compensation in accordance with state law. Where state workers' compensation law is applicable, workers' compensation benefits in accordance with such law shall be available to all participants. Where a participant is not covered under a state worker's compensation law, the participant shall be provided with adequate on-site medical and accident insurance for work-related activities. For work-related activities, income maintenance coverage is not required for the participant. (WIA, SEC. 181 (b) (4))

TJ14. Question: Are benefits included in the NEG Temporary Jobs program?

Answer: Yes, however, the cost of covering these benefits is not included in the wages. The cost is in addition to the NEG Temporary Job wages. All participants shall be provided benefits and working conditions at the same level and to the same extent as other employees working a similar length of time and doing the same type of work. (WIA Sec. 181 (b) (5)) If the agency has different policies for temporary employees than for full-time employees, these policies may apply to these participants since the jobs under this grant are classified as temporary.

TJ15. Question: What is the process for exceeding the \$12,000 wage limit on NEG Temporary Jobs?

Answer: To pay in excess of the \$12,000 wage limit, the NEG Field Coordinator will request information and make a determination.

Unemployment Insurance and Disaster Unemployment Assistance Questions

UI1. Question: Will eligible participants who work under NEG have their UI or DUA affected due to earnings from NEG Temporary Jobs employment?

Answer: Yes. There are no provisions in Indiana law or the federal regulations that would allow earned income to be exempt from being deducted from Unemployment Insurance Benefits regardless of the funding source. Payment is considered wages and must be reported on UI or DUA claims; wages will be deducted from UI or DUA benefit amount (when reported).

UI2. Question: Is there a problem if an individual is working full-time on an NEG Temporary Job and drawing UI or DUA?

Answer: Yes, workers may not do both if they are working full-time or equivalent hours, on an NEG Temporary Job. UI or DUA are paid to individuals who are unemployed. The temporary jobs pay wages which are counted as employment. Workers need to be informed of the requirements and policies of each program; they must report wages from the NEG Temporary Job and whether able and available for work.

UI3. Question: Will UI claimants be required to conduct work search activities?

Answer: No; due to the nature of the disaster, Indiana has temporarily waived the work search requirements for UI and DUA claimants in national disaster area counties.

UI4. Question: Will NEG Temporary Jobs impact a participant's status to claim Unemployment Insurance or Disaster Unemployment Assistance?

Answer: Yes. Even temporary employment will impact UI or DUA – see responses to questions UI1 and UI2.

Allowable Cost Questions

AC1. Question: Can NEG funds be used to supplement the wages for city and county employees who are working additional hours to serve flood victims?

Answer: No. Other funding is available to cities and counties for this purpose.

AC2. Question: Can NEG funds be used to provide reasonable accommodations and/or modifications for individuals with disabilities that are qualified for work and seek employment in NEG Temporary Jobs?

Answer: Yes – see CFR Title 29, Sections 37.8 and 37.20

Reporting & Budget Questions

RB1. Question: Are we required to do follow up on these participants?

Answer: If only NEG funds are used to fund the participant, then follow-up is not required but is optional. If local WIA funds are used, the participant is subject to normal WIA policy and therefore follow-up becomes mandatory.

RB2. Question: What TrackOne code should we use to track NEG participants?

Answer: Services delivered under this NEG should be entered under Flood NEG IN-06-Temporary Disaster Relief Employment

RB3. Question: Will NEG participants be counted in RWBs WIA performance?

Answer: The NEG will have performance goals as part of the agreement. However, the outcomes from individuals enrolled solely in this project will not be included in the state or RWBs annual performance.

RB4. Question: What must be entered into TrackOne? What data elements are required?

Answer: All data elements in the TrackOne application to support WIA dislocated worker eligibility are required. Assessment, Case Notes, and all applicable services must also be recorded as required under TrackOne guidelines.

RB5. Question: When are the plan and the budget due?

Answer: The plan and budget are due September 1, 2008. A Planning and Budget form is attached to the RWB Grant agreement.

RB6. Question: Why is there is a 75% expenditure benchmark at the end of February, 2009?

Answer: The intent of the 75% benchmark is to encourage quick delivery of initial services and accrual of expenditures. We anticipate that the immediate needs of the flooding disaster victims will be best served by offering temporary job opportunities and providing supportive services. Please remember that although DWD initially requested an NEG for \$2.4 million, we may pursue additional funding due to the scope of the disaster. If we are going to access additional funds, we need to expend the initial increment very quickly. Boards will be able to request additional funds for longer term needs such as long-term training if they expend their initial awards as we are requesting.

Training Questions

T1. Question: Can NEG fund training for demand occupations in Indiana that are not necessarily in demand in the Region?

Answer: No.

T2. Question: Can NEG funds be used to pay for short-term, vocational training for heavy equipment operators.

Answer: No.

General Questions

GQ1. Question: Can the participant exit as entered employment once they are placed into an NEG Temporary Job?

Answer: No, the temporary employment being offered in the disaster NEG is considered subsidized employment and therefore does not constitute a job placement for exiting purposes in WIA. Furthermore, these NEG participants are to be served just like regular WIA participants with the end result being on unsubsidized employment.

GQ2. Question: Is co-enrollment with other Workforce programs required?

Answer: Yes. The NEG program falls under the shared customer pool requirements DWD Policy 2007-20. NEG Temporary Jobs participants are considered WIA Dislocated Workers, and should be co-enrolled in both Wagner-Peyser and WIA Adult Programs.

GQ3. Question: What documentation is required to demonstrate eligibility for NEG expenditures? For individuals without documentation, is self-certification sufficient?

Answer: Because of the circumstances surrounding the disaster, documentation of eligibility may be difficult to obtain. Self-certification (self-attestation) or data from partner agencies is sufficient. Remember that residency does not affect eligibility.

GQ4. Question: Is self-attestation acceptable for Selective Service registration?

Answer: Self-attestation is not acceptable to determine Selective Service registration status. If the participant has an SSN, staff can check Selective Service status on-line. If participant does not have an SSN, WorkOne staff should be ready to assist participants in applying for replacement documents. See DWD Policy 2007-25 for additional information on Selective Service registration requirements.

GQ5. Question: What are the agreement beginning and ending dates?

Answer: The agreement start date will be considered the date of the FEMA disaster declaration and the end date is June 30, 2009. These dates may be extended as the project expands.

GQ6. Question: Do we have to go through our standard procurement process to contract with vendors for various services (training, transportation, etc.)?

Answer: Not necessarily. Sole source procurement can be utilized to enable RWBs to provide services in a timely manner.

GQ7. Question: In some responses you state that self-attestations are OK, but in others you state that participants have 60 days to get the proper document. This raises the issue of disallowed costs. Will RWBs be held responsible if we provide services to individuals based on self-attestation and those same individuals never produce proper document?

Answer: Due to the circumstances of the disaster, we understand that, in some cases, RWBs are providing services to individuals without any documentation at the time of registration. For this reason, DWD is requiring that RWBs ensure that a system is in place within 60 days of the executed agreement to verify eligibility for individuals that use self-certification. If a participant is later found to be ineligible and such a system is in place, the costs incurred prior to the discovery of the ineligibility will not be disallowed.

GQ8. Question: If males have not registered for selective service as required under WIA, are they ineligible to participate in the NEG?

Answer: RWBs should use the same procedures to qualify a male to participate in the NEG as they would use to qualify a male to participate in WIA. For more information, please refer to DWD Policy 2007-25.